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January 23, 2024

VIA ECF

Hon. Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: *Associated Contracting Plumbers of New York, et al., v. City of New York,*
Case No. 1:23-cv-11292 (RA)**

Dear Judge Abrams:

This firm represents the Plaintiffs in the above referenced matter. We write with the consent of the Defendant to jointly request that the Court set a briefing schedule and defer the case management conference and associated requirements.

In this matter, Plaintiffs challenge the facial validity of a New York City local law relating to the combustion of certain fuels in new buildings. Defendant has indicated that it plans to file a motion to dismiss the claim on the merits. Defendant's response to the complaint is currently due January 25, 2024, ECF No. 7, and the parties' proposed case management plan, joint letter, and scheduling order is due March 8, seven days before the initial status conference scheduled for March 15, 2024, ECF No. 13.

The parties have agreed to an extension for Defendant to file its motion and to a briefing schedule. There have been no previous requests for extensions. Because Defendant's motion may be dispositive of the legal issues in this case, the parties agree that proceeding with a case management conference under Federal Rule of Civil Procedure 16 as scheduled would not advance the resolution of this matter. The parties suggest deferring the initial Rule 16 conference and the associated requirements to hold a Rule 26(f) conference, exchange mandatory initial disclosures under Rule 26(a), and submit a joint letter and a proposed case management plan governing discovery, until after Defendant's motion is resolved. The parties therefore jointly request that the Court order that:

1. Defendant's motion to dismiss is due March 1, 2024; Plaintiffs' opposition is due March 29, 2024; and Defendant's reply is due April 19, 2024.

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2. The initial status conference scheduled for March 15, 2024 is adjourned pending resolution of Defendant's motion.

3. The requirement to submit a joint letter and a proposed case management plan and scheduling order is suspended.

4. The requirement to serve initial disclosures under Rule 26(a)(1) is suspended.

We appreciate your consideration of this letter motion.

Sincerely,



Sarah Jorgensen

CC: All counsel of record, via ECF

Application granted.

SO ORDERED.



The Honorable Ronnie Abrams

U.S. District Judge

January 25, 2024